

United States District Court
Southern District of New York

Horace Hampton,

Petitioner,

12 Civ. 02145 (JGK)

- against -

MEMORANDUM OPINION AND
ORDER

William Lee,

Respondent.

JOHN G. KOELTL, District Judge:

The Court has received the petitioner's response to this Court's August 27, 2012 Order. The petitioner properly identifies that the pendency of a federal habeas corpus petition does not toll the one-year AEDPA statute of limitations, but that the pendency of properly filed state court postconviction proceedings does toll the statute of limitations. See Duncan v. Walker, 533 U.S. 167, 180-82 (2001).

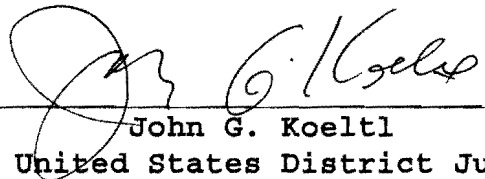
However, the petitioner has clarified that he seeks a stay of his petition for a writ of habeas corpus during the pendency of his state court postconviction proceedings. AEDPA provides district courts discretion upon a showing of good cause to stay habeas corpus petitions that have raised both exhausted and unexhausted claims. Rhines v. Weber, 544 U.S. 269, 275-76 (2005); see 28 U.S.C. § 2254(b)(1)(A). The petitioner has

alleged facts that he argues demonstrate good cause to stay his petition.

The time for the respondents to respond is **October 31, 2012**. The time for petitioner to reply is **November 14, 2012**.

SO ORDERED.

**Dated: New York, New York
October 10, 2012**



**John G. Koeltl
United States District Judge**